

REMARKS

This Response is submitted in reply to the final Office Action dated July 18, 2006, issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Response. Claims 1, 5-17 and 19-24 are pending in the patent application. With this Response, claims 1, 8-9, 17 and 23-24 have been amended, and claim 10 has been canceled. No new matter has been introduced by this Response. Thus, favorable reconsideration is respectfully requested.

I. Examiner Interview

The Applicants thank Examiner Parthasarathy for granting the interview conducted on October 4, 2006, with Applicants' representative. During the interview, the Alt reference and the distinguishable features of the present invention were discussed in detail. In particular, it was noted that the variable data relied on in Alt is not used to determine a service to be provided. Additionally, it was also noted that the synthesizing means of the present invention synthesizes the fixed and variable data to create authentication data. At the conclusion of the interview, it was agreed that the independent claims should be amended to clearly identify the features of the present invention noted above, and to further distinguish over the Alt reference.

II. Response To §112 Rejections

Claims 17, 19 and 24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner alleges that independent claim 17 recites the limitation "the synthesis," which lacks proper antecedent basis. The Applicants have amended independent claim 17 as suggested by the Examiner; thus, withdrawal of the §112 rejections are now respectfully requested.

III. Response To §102 Rejections

All the pending claims stand rejected under 35 U.S.C. §102(e) as being unpatentable over Alt et al. (U.S. Patent No. 6,580,356, hereafter "Alt"). The Applicants respectfully traverse these rejections.

The Applicants have amended independent claims 1, 9, 17 and 23-24 consistent with the recommendation made during the Examiner Interview. The independent claims have been amended to point out that the variable user identification data is used to determine at least one of a plurality of services provided by a service furnishing device (see, Applicants' Application, pg. 23, lines 9-11; pg. 27, lines 4-16; pg 31, lines 10-18; and Fig. 4). The independent claims have

also been amended to point out that the synthesizing means synthesizes the fixed user identification data and variable user identification data to create authentication data (see, Applicants' Application, pg. 9, line 21-pg. 10, line 4). The authentication data is then sent to the service furnishing device, which processes the authentication data to determine the services to be provided. These features of the present invention are not believed to be disclosed by the cited prior art.

Alt discloses a method of identifying authorized persons who are desirous of entering into secured transactions. Identification of a user is made through the use of a portable identification device that can be worn on part of a garment, or by the use of a biometric identification system.

In the Office Action, the Examiner relies on personal ID data stored in the portable device for disclosing the claimed fixed data; and biometric data stored in the biometric identification system for disclosing the claimed variable data. However, neither the personal ID data nor the biometric data are used to determine a service to be provided. Instead, the personal ID data and the biometric data are simply used to identify the user. For example, the portable device generates a coded signal that identifies the wearer, which is transmitted through a transmission link created by the body when a wearer touches a sensor. The security system uses the coded signal to identify if the wearer is authorized to proceed with a transaction (see, Alt, Abstract). Similarly, the biometric system uses either an iris or finger print sensing system to verify or confirm the identity of a user (see, Alt, col. 9, lines 19-23). Therefore, nothing in Alt discloses that the biometric data (or the personal ID data for that matter) is used to determine a service to be provided.

Moreover, in the Office Action, the Examiner relies on the signal generator 60 in the portable identification device 10 for disclosing the synthesizing means or step of the present invention. However, in the present invention, the synthesizing means synthesizes fixed and variable user data to create authentication data. On the other hand, the signal generator 60 only synthesizes fixed personal ID data with the waveform of the signal generator (see also, Alt, Fig. 6). To this end, no variable data is synthesized with the fixed data, let alone synthesized to create authentication data. In fact, the variable data relied on by the Examiner (i.e., biometric data) appears to be processed in parallel with the personal ID data processed by the portable

device (see, Alt, col. 9, lines 5-23). Thus, Alt fails to disclose synthesizing fixed and variable user data to create authentication data.

As a final point, the claim were also amended to clarify that a service that is executed or furnished by the service furnishing device is determined from the authentication data received by the portable information processing device. Specifically, the authentication data includes the variable data, and the variable data is used to determine a particular service to be provided. Thus, for the same reasons noted above, Alt fails to include this feature.

For at least these reasons, independent claims 1, 9, 17 and 23-24 are believed to be distinguished over the cited prior art. Likewise, dependent claims 5-8, 11-16 and 19-22 are also believed to be distinguishable over the cited prior art based on their respective dependencies from claims 1, 9 and 17.

IV. Conclusion

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. Accordingly, the Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Director is authorized to deduct such fees from deposit account no. 02-1818.

Respectfully submitted,

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